

AMENDMENT UNDER 37 C.F.R. § 1.114(c) AND  
STATEMENT OF SUBSTANCE OF INTERVIEW  
U.S. Application No.: 10/827,405  
Attorney Docket No.: Q80509

**REMARKS**

Claims 1-58 are all the claims pending in the application.

***Statement of Substance of Interview***

As an initial matter, Applicants thank the Examiner for the courtesies extended during the telephone interview conducted on October 14, 2008. In view of the helpful comments provided by the Examiner during the interview, and to expedite prosecution of the instant application, Applicants amend claims 1, 12, 20, 39, 57, and 58. *At least* FIGS. 6B, 9, and 11 appear to support this feature as discussed during the interview. The Examiner tentatively agreed during the interview that the proposed amendments overcome the prior art rejection but the claims are subject to further consideration and/or search. Applicants respectfully submit that the amendments place the application in immediate condition for allowance, as discussed in further detail below with respect to the prior art rejection of the claims.

It is respectfully submitted that the instant STATEMENT OF SUBSTANCE OF INTERVIEW complies with the requirements of 37 C.F.R. §§1.2 and 1.133 and MPEP §713.04.

***Claim Rejections – 35 U.S.C. § 103***

Claims 20-23, 29, 30, 32, 39-41, 47, 48, and 50 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent No. 5,502,492 to Jung in view of U.S. Patent No. 4,944,023 to Imao *et al.* (“Imao”).

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Claims 24, 28, 31, 42, 46, and 49 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Jung in view of Imao, and further in view of U.S. Patent No. 5,903,669 to Hirabayashi.

Claims 1-19, 25-27, 33-38, 43-45, and 51-58 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Jung in view of Imao and Hirabayashi, and further in view of U.S. Patent No. 5,796,434 to Lempel.

For *at least* the following reasons, Applicants respectfully traverse the rejection.

In the Advisory Action dated October 9, 2008, the Examiner maintains that the Jung reference teaches the claimed limitation of determining a block mode depending on whether two motion vectors are similar (claims 1, 12, and 57) or whether motion vectors of the first sub blocks are similar (claims 20, 39, and 58). The Examiner supports his rejection by contending that Jung “either presents a choice between two motion vectors, using an SAD to determine the choice, only when subblock motion vectors are determined to have a high degree of similarity, or a choice between two different sets of motion vectors, the sets determined based on similarity of subblock motion vectors” (Advisory Action, page 5, second paragraph, also see page 3, first paragraph to page 4, first paragraph).

Applicants respectfully disagree (as previously submitted in detail in the Amendments filed September 18, 2008 and March 21, 2008). However, in view of the discussions with the Examiner and in order to expedite prosecution, Applicants amend independent claims 1, 12, 20, 39, 57, and 58 by this Amendment. Applicants respectfully submit that Jung, Imao, or

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Hirabayashi, alone or in combination, do not teach or suggest determining a reference picture and a block mode directly depending on whether two motion vectors are similar as set forth in some variation in the independent claims (e.g., see first paragraph on page 4 of the Advisory Action).

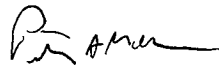
The remaining claims, namely, claims 2-11, 13-19, 21-38, and 40-56 are patentable *at least* by virtue of their dependency.

***Conclusion***

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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